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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/717,360	[illegible]	[illegible]	0

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EXAMINER	
MIS, D	
ART UNIT	**PAPER NUMBER**
2502	10

DATE MAILED: 03/20/92

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

[x] This application has been examined [x] Responsive to communication filed on 3/2/92 [ ] This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. [x] Notice of References Cited by Examiner, PTO-892.
2. [ ] Notice re Patent Drawing, PTO-948.
3. [ ] Notice of Art Cited by Applicant, PTO-1449.
4. [ ] Notice of Informal Patent Application, Form PTO-152.
5. [ ] Information on How to Effect Drawing Changes, PTO-1474.
6. [ ] ______

Part II SUMMARY OF ACTION

1. [x] Claims 1-30 are pending in the application.

   Of the above, claims ______ are withdrawn from consideration.

2. [ ] Claims ______ have been cancelled.
3. [ ] Claims ______ are allowed.
4. [x] Claims 1-30 are rejected.
5. [ ] Claims ______ are objected to.
6. [ ] Claims ______ are subject to restriction or election requirement.
7. [ ] This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. [ ] Formal drawings are required in response to this Office action.
9. [ ] The corrected or substitute drawings have been received on ______. Under 37 C.F.R. 1.84 these drawings are [ ] acceptable. [ ] not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. [ ] The proposed additional or substitute sheet(s) of drawings, filed on ______ has (have) been [ ] approved by the examiner. [ ] disapproved by the examiner (see explanation).
11. [ ] The proposed drawing correction, filed on ______, has been [ ] approved. [ ] disapproved (see explanation).
12. [ ] Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has [ ] been received [ ] not been received [ ] been filed in parent application, serial no. ______ ; filed on ______ .
13. [ ] Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. [ ] Other

EXAMINER'S ACTION

The disclosure is objected to because of the following informalities:

a. In claim 1, line 15, "substantively" was changed to --substantially-- in the amendment filed May 1, 1991.

b. In claim 12, line 18, --a-- has been inserted before "part" in the amendment filed May 1, 1991.

c. In claim 24, line 1, "electronci" should be --electronic--. Appropriate correction is required.

The information disclosure statement filed 12/13/90 and 6/19/91 fails to comply with the provisions of MPEP 609 because copies and explanations were not provided (see MPEP 609). It has been placed in the application file, but the information referred to therein has not been considered as to the merits.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claim 19 is rejected under 35 U.S.C. § 102(e.) as being clearly anticipated by Stolz.

There are no shunt diodes in the disclosures predating the Stolz reference. See Fig. 3 of Stolz; transistors Q3 and Q4 each supply a respective pulse at a periodic rate and having variable

widths which are less than half of the duration of the period. Any frequency can be called a "fundamental"; the astable oscillator 100 provides a fundamental frequency.

Claims 1-18 and 20-30 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 and 1-35 of U.S. Patent No. 4,279,011 and U.S. patent no. 4,441,087, respectively. Although the conflicting claims are not identical, they are not patentably distinct from each other because the means claimed in the patents provide the waveforms presently claimed. One of ordinary skill in the art would have found the presently claimed waveform generating means obvious in view of the means claimed in the patents which generate the waveforms.

The obviousness-type double patenting rejection is a judicially established doctrine based upon public policy and is primarily intended to prevent prolongation of the patent term by prohibiting claims in a second patent not patentably distinct from claims in a first patent. *In re Vogel*, 164 USPQ 619 (CCPA 1970). A timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(b) would overcome an actual or provisional rejection on this ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 C.F.R. § 1.78(d).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18 and 20-30 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Nomura et al. or Schreiner.

The references predate the present invention and disclose means for keeping the switches of inverters from firing at the same time by making them fire for less than half of the period of the inverter fundamental frequency.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-30 are rejected under 35 U.S.C. § 103 as being unpatentable over Nomura et al. or Schreiner.

It would have been obvious to one of ordinary skill in the art to incorporate the timing of the references in other known inverters.

Any inquiry concerning this communication should be directed to Exr. Mis at telephone number (703) 308-4907.

Mis/jm
March 26, 1992

DAVID MIS
EXAMINER
GROUP ART UNIT 252